

# PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the nonconforming use of a chicken coop on residential property, less than one acre, located at:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.:  
Address  
Phone No.

Legal Owner(s):  
William Henry Stoffel  
(Type or Print Name)  
Signature  
Joan A. Stoffel  
(Type or Print Name)  
Signature  
4217 Necker Avenue  
Address  
Baltimore, Md. 21236  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Name  
Address  
Phone No.

MAP NE 9-F  
4C  
E.D. 11 H  
DATE 7-25-87  
200 B.F.  
1000 G.F.  
E-35,075  
N-32,805  
256-8740  
21236

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of September, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of November, 1987, at 2:00 o'clock p.m.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner  
Norman F. Gerber, ACP  
FROM: Director of Planning and Zoning  
SUBJECT: Zoning Petition No. 88-194-SPH

Date: October 27, 1987

In view of the subject of this hearing, this office offers no comment.

Norman F. Gerber, ACP  
Director

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

Petition for Special Hearing  
11th Election District - 5th Councilmanic District  
Case No. 88-194-SPH  
LOCATION: Southwest Side of Necker Avenue, 387 feet Southeast of Belair Road (4217 Necker Avenue)  
DATE AND TIME: Monday, November 23, 1987, at 2:00 p.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:  
Petition for Special Hearing to approve the nonconforming use of a chicken coop on residential property with an area less than one acre  
Being the property of William Henry Stoffel, et ux, as shown on plat filed with the Zoning Office.  
In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.  
BY ORDER OF  
J. Robert Haines  
Zoning Commissioner of Baltimore County

The Times

Middle River, Md., Nov 5 1987

This is to certify, that the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each

of one successive

weeks before the 27th day of Nov. 1987

for the Publisher.

IN RE: PETITION FOR SPECIAL HEARING  
387' S.E. of Belair Rd. (4217 Necker Avenue)  
11th Election District  
5th Councilmanic District  
William Henry Stoffel, et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-194 SPH

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing for approval of a non-conforming use of a chicken coop on a residential property with less than 1 acre of ground in the subject property as more particularly described and represented upon Petitioner's Exhibit 1.

The Petitioner appeared and testified and was supported in his testimony by Mr. George Mohr. Mr. Mohr is the affected neighbor of the Petitioner. There were no protestants.

This matter arose as a result of a complaint filed and appropriate action taken for enforcement of the complaint. As noted above, there were no protestants at the hearing. A letter has been received from William A. Mohr in opposition to the Petition. They did not offer any evidence that disapproves the non-conforming use. The property was properly posted and the advertisement was properly established. The testimony tends to indicate that the property has been used continuously for a small chicken house or chicken coop since 1958. Testimony indicates that the new chicken coop constructed in 1985 was constructed on the same location as the old chicken coop. There was no contradicting testimony.

The testimony tending to establish a non-conforming use and establishing that the non-conforming use has been in use, the appropriate period of time, the subject Petition should be granted.

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

James Dyer  
TO: Zoning Supervisor  
James Thompson  
FROM: Zoning Enforcement Coordinator  
Item No. 17 (if known)  
SUBJECT: Petitioner: Stoffel (if known)

Date: 23 November 1987

VIOLATION CASE # C-87-2014  
LOCATION OF VIOLATION 4217 NECKER AVENUE  
DEFENDANT William H. & Joan A. Stoffel ADDRESS 4217 NECKER AVE  
BALTO. MD 21236

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Carl Lewis	4200 Necker Avenue since May 1965.
Margot Lewis	4200 Necker Avenue since May 1965.
Curtis Herbert	4204 Necker Avenue since 1954.
Dorothy Herbert	4204 Necker Avenue since 1954.

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

CPS-008

Pursuant to the advertisement, posting of the property and the public hearing on the Petition and appearing that for the reasons of the above finding of facts that the relief requested in the Petition should be Granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of December, 1987, that the relief requested in the Petition for Special Hearing in this matter be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Granted Petition for Special Hearing is limited to the Petitioner, William Henry Stoffel, and may not be transferred to any other person or entity. The property must be maintained in a good state of repair.

J. Robert Haines  
ZONING COMMISSIONER FOR  
BALTIMORE COUNTY

### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

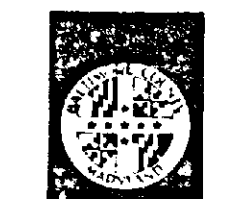
District: 11th Date of Posting: 10/24/87  
Posted for: Special Hearing  
Petitioner: Wm. Henry Stoffel et ux  
Location of property: 4217 Necker Ave. 387' SE of Belair Rd.  
4217 Necker Ave.  
Location of Signs: Being Necker Ave. across 11th E. on Necker Ave.  
Property of: W. H. Stoffel  
Remarks:  
Posted by: M. Haines Date of return: 11/1/87  
Number of Signs: 1

We the neighbors of William H. Stoffel, 4217 Necker Avenue, do not object to him having chickens as a hobby. Mr. Stoffel has had chickens since 1958 and they were there when we moved to the above address.

Signed:  
Carl Lewis, 4200 Necker Avenue since May 1965.  
Margot Lewis, 4200 Necker Avenue since May 1965.  
Curtis Herbert, 4204 Necker Avenue since 1954.  
Dorothy Herbert, 4204 Necker Avenue since 1954.  
Rita Kravos 4215 Necker Ave. Resident 45 yrs  
Joe Sachs 4221 Necker Ave. Resident 45 yrs  
George J. Mohr 4219 Necker Ave. Resident 7-1-90  
1953

PETITIONER'S  
EXHIBIT 2

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333  
J. Robert Haines  
Zoning Commissioner



December 9, 1987

Dennis F. Rasmussen  
County Executive

Mr. William Henry Stoffel  
4217 Necker Avenue  
Baltimore, Maryland 21236

Re: Petition for Special Hearing  
Case Nos. 88-194 SPH

Dear Mr. Stoffel:

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for a Special Hearing has been Granted.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:mmm  
enclosure

### PETITION FOR SPECIAL HEARING

11th Election District - 5th Councilmanic District  
Case No. 88-194-SPH

LOCATION: Southwest Side of Necker Avenue, 387 feet Southeast of Belair Road (4217 Necker Avenue)  
DATE AND TIME: Monday, November 23, 1987, at 2:00 p.m.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

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Petition for Special Hearing to approve the nonconforming use of a chicken coop on residential property with an area less than one acre

Being the property of William Henry Stoffel, et ux, as shown on plat filed with the Zoning Office.

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J. ROBERT HAINES  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



Baltimore County Department of Health  
Bureau of Environmental Services

COMPLAINT RECORD

COMPLAINANT: Mr. Stoffel  
ADDRESS: 4217 Necker Ave 21236  
NATURE OF COMPLAINT: Chicken Feces odor

RECEIVED BY: DATE: ASSIGNED TO: DATE: 5/13/87

RECORD OF INSPECTION: Reinspection of 4217 Necker Ave with Mr. Ken Schmitt, supervisor Northern Environmental Services, revealed no other feces than the chicken feces on the Co. easement. Mr. Schmitt told the owner to continue to keep the other house and that he'll be in compliance with Baltimore Health Code.

7/1/87 Reinspection, completed previous 5'x12'x6" to 12" deep covered with leaves & vegetation growing in some areas, weathered worm light digging and exposed some compost very slight. One 1/2" x 1/2" worm found. Composted 1/2" x 1/2" worm in field & spoke with Mr. Stoffel. Mr. Stoffel agreed to discontinue his dog feces, he will continue lining & mulching previous with leaves - Robert Aschenbrenner 7-7-87

DATE: 5/13/87 SANITARIAN: R. J. Haines

CHS 779

REGION: 11 AREA: 11 RATING: A-2

Baltimore County Department of Health  
Bureau of Environmental Services  
RECORD OF INVESTIGATION

LOCATION: 4217 Necker Ave ZIP: 21236  
OWNER: Bill Stoffel ADDRESS: 4217 Necker Ave PHONE: 356-8740  
OCCUPANT: Bill Stoffel ADDRESS: 4217 Necker Ave PHONE: 356-8740

REASON FOR INVESTIGATION: complaint - follows the stream chicken odor

RECEIVED BY: DATE: 5/22/87 ASSIGNED TO: R. J. Haines DATE: 5/22/87

DATE OF INVESTIGATION: 5/22/87 TIME: 11:45 WEATHER: Cloudy Cool

REPORT: Inspection of 4217 Necker Ave, a 2-story single-family unit on 3/4 acre reveals a large house in the rear of the property. Mr. Stoffel is taking out leaves & has the stream for a while. He also has eggs and takes the frame up to the farm for fertilizer. No other was detected outside of this 16'x32' bldg which houses approx. 100 hens. The bldg has an alien siding outside and looks very nice. No health violation observed. I reminded the owner to keep after the clearing especially with summer coming. No further action.

DATE SUBMITTED: 5/22/87 SANITARIAN: R. J. Haines

entireties, their assigns, the survivor of them and the survivor's personal representatives and assigns all that lot or parcel of ground situated in Baltimore County, Maryland aforesaid, and described as follows, that is to say:

Beginning for the same on the southwest side of Necker Avenue at a point distant north 13 degrees west 50 feet from the northwestern corner of a lot of ground described in a Deed from Bartholomew C. Tremper and wife to Joseph Sachs and wife dated June 9, 1925 and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 616, folio 330 and running thence binding on the southwest side of Necker Avenue north 13 degrees west 50 feet, running thence south 47 degrees west and parallel to the northwesternmost west 50 feet, running thence south 47 degrees west and parallel to the northwesternmost line of the Sachs property as aforesaid 30 feet more or less to intersect the last line of the Sachs property as aforesaid, then south 27 degrees 6 minutes east, Fred C. Frisch dated July 24, 1940 and recorded among the Land Records aforesaid in Liber C.W.B., Jr. No. 1116, folio 112 running thence south 27 degrees 6 minutes east, drawn from the place of beginning, south 17 degrees west thence reversing said line binding reversely on said last line 50 feet 2 inches more or less to intersect a line drawn from the place of beginning, south 17 degrees west thence reversing said line and binding thereon north 17 degrees east and parallel with the second line, this description a distance of 311/2 feet or less to the place of beginning, the improvements thereon being known as No. 4217 Necker Avenue.

BEING the same lot or parcel of ground described in an Assignment dated January 1, 1931 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 111, folio 131, from Clayton W. Bordley, Incorporation to the Grantors herein.

Mr. William Henry Stoffel  
Mrs. Joan A. Stoffel  
4217 Necker Avenue  
Baltimore, Maryland 21236

October 22, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING  
SW/S Necker Ave., 387' SE of Belair Rd.  
(4217 Necker Ave.)  
11th Election District - 5th Councilmanic District  
William Henry Stoffel, et ux - Petitioners  
Case No. 88-194-SPH

TIME: 2:00 p.m.  
DATE: Monday, November 23, 1987  
PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 7/7/87 ACCOUNT: 01-615  
AMOUNT: \$ 35.00

RECEIVED FROM: W. H. Stoffel  
FOR: Fines For Special Hearing Nov 17  
B 8167\*\*\*\*\*35003 631.6

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
204-3353

J. ROBERT HAINES  
ZONING COMMISSIONER

Mr. William Henry Stoffel  
Mrs. Joan A. Stoffel  
4217 Necker Avenue  
Baltimore, Maryland 21236

Re: Petition for Special Hearing  
SW/S Necker Ave., 387' SE of Belair Rd.  
(4217 Necker Ave.)  
11th Election District - 5th Councilmanic District  
William Henry Stoffel, et ux - Petitioners  
Case no.: 88-194-SPH

his is to advise you that \$70.72 is due for advertising posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE FEE SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
JRH:md

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 11/23/87 ACCOUNT: 01-615 072  
AMOUNT: \$ 70.72

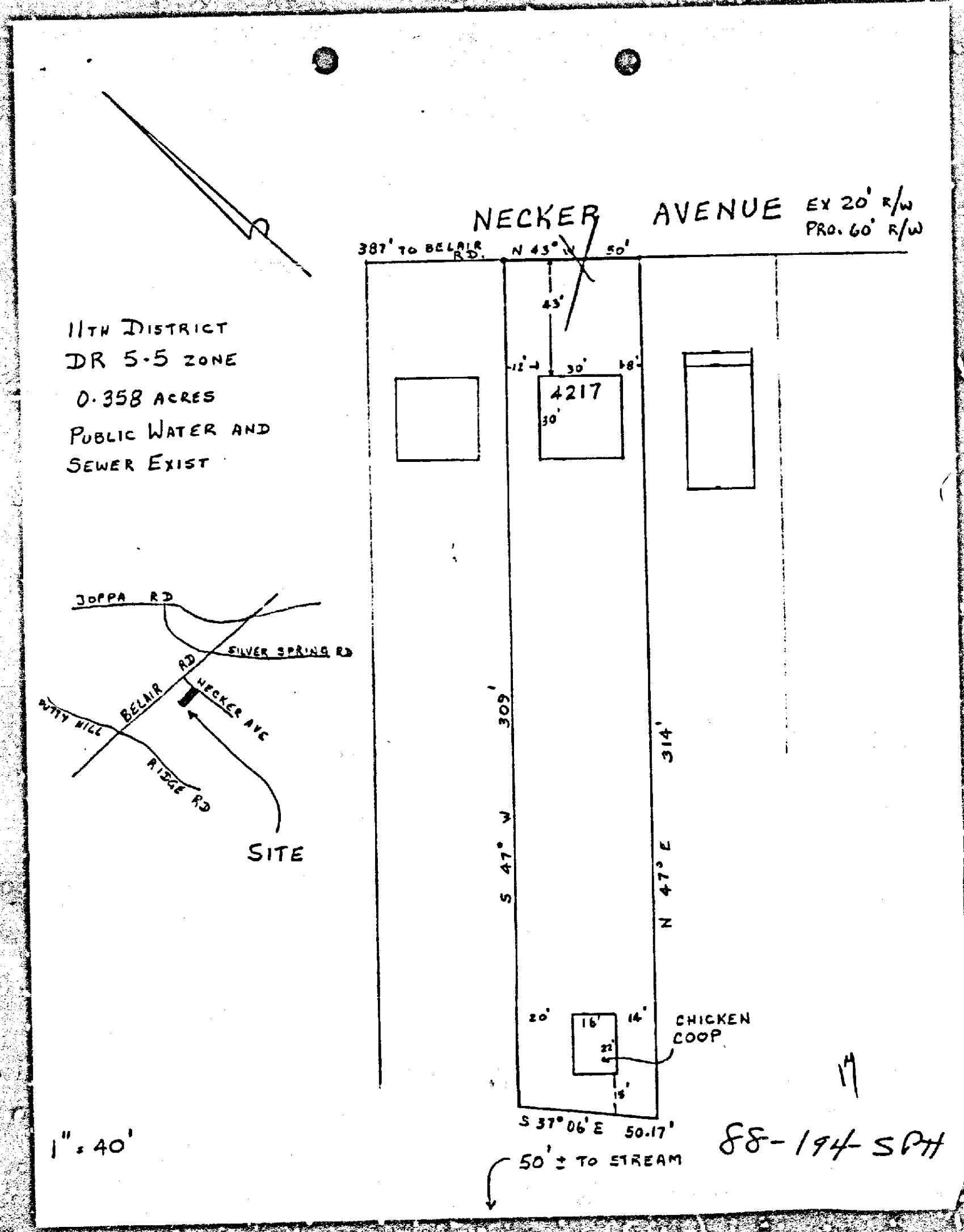
RECEIVED FROM: William H. Stoffel  
FOR: Fines For Special Hearing Nov 17  
B 888\*\*\*\*\*70721a 7232F  
60-1915AH

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 5, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov 5, 1987

THE JEFFERSONIAN,  
Susan Andrew Street  
Publisher



First Class

County Office Building  
111 West Chesapeake Ave.  
Towson, MD. 21204

First Class